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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen PALM
Appl. No. : 10/657,272
Filed : September 9, 2003
For : ACTIVATION OF MULTIPLE XDSL MODEMS WITH IMPLICIT CHANNEL PROBE
Group Art Unit : 2631
Examiner : Dung X. NGUYEN
Confirmation No. : 3282

COMPLETION OF RECORD

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop ISSUE FEE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, Applicant hereby calls to the Examiner's attention the following document:

A copy of a Canadian Office Action mailed in related Canadian Patent Application No. 2,407,503 on February 21, 2005 is enclosed, in which the following documents were cited:

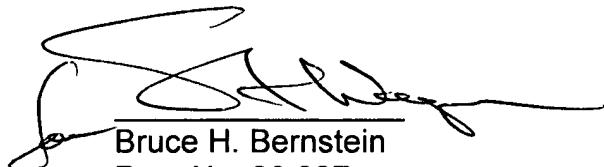
U.S. Patent No. 5,311,578 to BREMER et al., which issued on May 10, 1994; and

U.S. Patent No. 5,644,573 to BINGHAM et al., which issued on July 1, 1997.

Applicant notes that both of the above-noted documents were cited in a previously filed Information Disclosure Statement, and thus, copies are not being provided herewith. However, Applicant has enclosed a copy of the Canadian Office Action to complete the record.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Stephen PALM



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SIM & MCBURNEY
SM, HUGHES, ASHTON & MCKAY

February 21, 2005

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Application No. : 2,407,503
Owner : MATSUSHITA GRAPHIC COMMUNICATION SYSTEMS, INC.
Title : ACTIVATION OF MULTIPLE XDSL MODEMS WITH IMPLICIT CHANNEL PROBE
Classification : H04M-11/06
Your File No. : 9116-126 MIS:sd
Examiner : S.Chhim

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE PATENT RULES.

IN ORDER TO AVOID MULTIPLE ABANDONMENTS UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on January 5, 2005 and January 10, 2005.

The number of claims in this application is 23.

The examiner has identified the following defects in the application:

The claims are directed to a plurality of alleged inventions as follows:

Group A - Claims 1-14 are directed to a method for communicating data, being able to transmit first negotiation data to a first device; and
Group B - Claims 15-23 are directed to a method for communicating data being able to exchange negotiation data between a first device and a second device.

The claims must be limited to one invention only as set out in section 36 of the Patent Act.

The search of the prior art has revealed the following:

2,407,503

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References Applied:United States Patents

5,311,578	May 10, 1994	379/97	Bremer et al.
5,644,573	July 1, 1997	370/503	Bingham et al.

Bremer et al. disclose a technique for automatic identification of a remote modem

Bingham et al. disclose methods for coordinating upstream discrete multi-tone data transmissions

Claims 1, 8 and 15 do not comply with section 28.3 of the Patent Act. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Bremer et al. or Bingham et al..

Claims 1 and 8 are obvious, because Bremer et al. teach a method for use in a modem for identifying a remote modem, with a procedure comprising a standard signal to be sent from the remote modem to modem, wherein the method comprises the steps of receiving the standard signal in the modem, detecting in the standard signal a hidden signal, which is a representative of an identity of the remote modem, and sending a different hidden signal from the modem to the remote modem for signaling to the remote modem the identity of the modem. Features in claims 1 and 15, namely the sending first data to a first device, and the receiving second data from a first device, are similar features in the Bremer et al.'s teachings.

Claim 15 is obvious, because Bingham et al. teach a method, which recognizes a conflict, when more than one remote units transmit an associated broad band initialization signal during a first selected synchronization time, transmits a conflict signal to the remote units in response to the broad band initialization signals, when a conflict is recognized, and wherein the conflicting remote units resend its broad band initialization signal, the conflicting remote units are arranged to each wait, a random interval prior to resending its broad band initialization signal. Features of claim 15, namely establishing a connection between a first device at a first location and a second device at a second location, and exchanging negotiation data between the first device and the second device, perform the same tasks of those claimed by Bingham et al.

Therefore, claims 1, 8 and 15 do not comply with Section 28.3 of the Patent Act.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the Patent Rules, to amend the application in order to comply with the Patent Act and the Patent Rules or to provide arguments as to why the application does comply.

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Under subsection 29(1) of the *Patent Rules*, the applicant is requisitioned to provide an identification of any prior art cited in respect of the United States Patent and Trademark Office, and European Patent Office applications describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, and the patent numbers, if granted. Amendment to avoid references cited abroad may expedite the prosecution. In accordance with subsection 29(3) of the *Patent Rules*, if the particulars are not available to the applicant, the reason must be stated.

S.Chhim
Patent Examiner
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